

1 TENNESSEE BELLSOUTH TELECOMMUNICATIONS, INC.

2 REBUTTAL TESTIMONY OF RONALD M. PATE

3 BEFORE THE TENNESSEE REGULATORY AUTHORITY

4 DOCKET NO. 97-00309

5 JULY 22, 2002

6
7 Q. PLEASE STATE YOUR NAME, YOUR POSITION WITH BELLSOUTH
8 TELECOMMUNICATIONS, INC. AND YOUR BUSINESS ADDRESS.

9
10 A. My name is Ronald M. Pate. I am employed by BellSouth Telecommunications,
11 Inc. ("BellSouth") as a Director, Interconnection Services. In this position, I
12 handle certain issues related to local interconnection matters, primarily operations
13 support systems ("OSS"). My business address is 675 West Peachtree Street,
14 Atlanta, Georgia 30375.

15
16 Q. PLEASE SUMMARIZE YOUR BACKGROUND AND EXPERIENCE.

17
18 A. I graduated from Georgia Institute of Technology in Atlanta, Georgia, in 1973,
19 with a Bachelor of Science Degree. In 1984, I received a Masters of Business
20 Administration from Georgia State University. My professional career spans over
21 twenty-five years of general management experience in operations, logistics
22 management, human resources, sales and marketing. I joined BellSouth in 1987,
23 and have held various positions of increasing responsibility since that time.

24
25 Q. HAVE YOU TESTIFIED PREVIOUSLY?

1 A. Yes. I have testified before the Public Service Commissions in Alabama, Florida,
2 Georgia, Louisiana, South Carolina, Kentucky, the Tennessee Regulatory
3 Authority and the North Carolina Public Utilities Commission.

4
5 Q. HOW IS YOUR TESTIMONY ARRANGED?

6
7 A. My testimony is divided into the following sections:

8
9 PART A: PURPOSE AND EXECUTIVE SUMMARY OF THE TESTIMONY

10 PART B: REBUTTAL TO CLEC COMMENTS

11
12 PART A: PURPOSE AND EXECUTIVE SUMMARY OF THE TESTIMONY

13
14 Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY?

15
16 A The purpose of my testimony is to rebut the express and implied assertions of
17 various CLEC witnesses that BellSouth does not provide CLECs with
18 nondiscriminatory access to its operations support systems (“OSS”) in Tennessee.
19 (*See, for example*, Testimony of Jay Bradbury at 4; Testimony of Mary Conquest
20 at 2; Testimony of Colette Davis at 3-4; Testimony of Sherry Lichtenberg at 4-5).
21 My testimony will demonstrate that BellSouth does provide CLECs
22 nondiscriminatory access to OSS. As further explained below, I am attaching as
23 Exhibit RMP-1 to my testimony the affidavit of William N. Stacy and all of its
24 exhibits filed with the Federal Communications Commission (“FCC”) on June 20,
25 2002 in Docket 02-150, (the “Stacy Affidavit”) in BellSouth’s application for

1 provision of In-Region, InterLATA Services in Alabama, Kentucky, Mississippi,
2 North Carolina, and South Carolina.

3

4 Most of the issues raised by the CLECs are the same old issues that they keep
5 raising time and time again, apparently hoping that someone will finally agree
6 with their arguments. For purposes of this proceeding, and in order to be concise
7 as well as efficient, I am adopting and incorporate in my testimony by reference,
8 material that BellSouth recently has filed with the FCC in connection with its five
9 state application for interLATA relief, which addresses these issues. The material
10 that I am referring to is the “Stacy Affidavit” which is attached as exhibit RMP-1.
11 I am adopting all information in the Stacy Affidavit pertaining to
12 nondiscriminatory provision of access to BellSouth’s OSS with the exception of
13 the information contained in ¶¶ 29-38, 62-78 and 324-329 and Exhibit Numbers
14 WNS-4-7, 10-12, 50, 52-53, regarding Third Party Testing and the PwC
15 “sameness” audit on regionality. Mr. Milton McElroy will address the Third
16 Party Testing and PwC regionality paragraphs of the Stacy Affidavit in his
17 testimony filed herein.

18

19 I have personal knowledge of the matters contained in the material that I am
20 adopting, and I am fully capable and qualified to attest to the accuracy of the
21 information contained therein and to respond to questions regarding that material.

22

23 In addition to the above, my testimony rebuts more specific OSS-related
24 assertions in the testimony that witnesses for AT&T, Covad Communications

1 Company, Birch Telecom, ITC^DeltaCom, WorldCom, and Ernest
2 Communications, Inc., have submitted in this docket.

3

4 Q, PLEASE PROVIDE AN EXECUTIVE SUMMARY OF YOUR TESTIMONY.

5

6 A. The Stacy Affidavit demonstrates that BellSouth satisfies the FCC's two-step
7 standard of showing nondiscriminatory access to OSS because:

- 8 1. The OSS functions that are deployed by BellSouth are operationally ready,
9 as a practical matter, and
10 2. BellSouth has deployed the necessary systems and personnel to provide
11 sufficient access to each of the necessary OSS functions, and BellSouth is
12 adequately assisting competing carriers to understand, implement, and use
13 the OSS functions available to them.

14 Additionally, the Stacy Affidavit addresses the issue of regionality (which
15 WorldCom witness Sherry Lichtenberg addresses at pages 14-15 of her
16 testimony) by showing that BellSouth's interfaces to its OSS are the same in
17 Tennessee, Georgia, or any of the other seven states in BellSouth's region.

18 BellSouth demonstrates that its OSS provides CLECs with region-wide:

- 19 • electronic and manual ordering interfaces that provide uniform
20 functionality;
21 • comprehensive sets of user guides, procedures, information, and job
22 aids for the use of the electronic and manual ordering interfaces; and
23 • region-wide business rules with extensive training.

24

1 Furthermore, BellSouth's OSS are designed, developed, modified, and measured
2 for performance on a region-wide basis to operate in an indistinguishable manner
3 whether a CLEC is in Tennessee, Georgia or any of the other seven states in the
4 BellSouth region. BellSouth engaged PricewaterhouseCoopers ("PwC") to
5 evaluate and confirm its assertion that its OSS is regional in nature, and PwC's
6 findings are addressed in Milton McElroy's testimony, as indicated above.

7 :

8 To assist in relating my rebuttal testimony to the testimony of the CLECs, I offer
9 the following information, which relates specific paragraphs of the Stacy
10 Affidavit to the CLEC testimony.

11		
12	<u>CLEC Testimony</u>	<u>Affd. Paragraph</u>
13	<i>AT&T-Bradbury</i>	
14	Pg 12, ln 3 – Pg 15, ln 3	282-287
15	Flow Through	
16		
17	Pg 15, ln 5 – Pg 16, ln 21	278-279
18	Status Notices	
19		
20	Pg 17, ln 24 – Pg 18, ln 14	316-323
21	TAFI Integration	
22		
23	Pg 20, ln 15 – Pg 43, ln 2	79-170
24	Change Control	
25		
26	<i>WorldCom-Lichtenberg</i>	
27		
28	Pg 5, ln 21 – Pg 12, ln 5	79-170
29	Change Control	
30		
31	Pg 12, ln 6 – Pg 13, ln 16	257-262
32	Single C	
33		
34	Pg 14, ln 6 – Pg 15, ln 22	39-61

1	Regionality	
2		
3	<i>Covad-Davis</i>	
4		
5	Pg 4 – Pg 7	275-277
6	Mechanized ordering of xDSL Loops	
7		
8	Pg 18 – Pg 21	79-170
9	Change Control	
10		
11	Pg 32 – Pg 33	241-250
12	LFACS	
13		
14	<i>ITC^DeltaCom-Conquest</i>	
15		
16	Pg 2 – Pg 3	6-28
17	Nondiscriminatory Access to OSS	
18		
19	Pg 3 – Pg 4	79-170
20	Change Control	
21		
22	Pg 4 – Pg 5	21, 29-38
23	Independent Third Party Test	62-78
24		
25	<i>Birch-Ivanuska</i>	
26		
27		
28	Exhibit 1 - Pg 24	79-170
29	Change Control Process	

30

31 PART B: REBUTTAL TO CLEC COMMENTS.

32

- 33 Q. MS. BERGER OF AT&T AND MS. LICHTENBERG OF WORLDCOM RAISE
- 34 ISSUES REGARDING BELL SOUTH'S IMPLEMENTATION OF A SINGLE C
- 35 PROCESS. PLEASE DISCUSS THE SINGLE C PROCESS.
- 36
- 37 A. Both Ms. Berger and Ms. Lichtenberg complain about issues surrounding the "D"
- 38 and "N" process that was previously used by BellSouth for the ordering of UNEs.

1 This issue is thoroughly addressed in the Stacy Affidavit beginning at ¶257 and
2 following. On March 23, 2002, as part of Release 10.4, BellSouth implemented
3 the single C (change) feature in Georgia, Louisiana, Florida, and Mississippi.
4 During the weekend of July 20, 2002, BellSouth implemented this functionality
5 for Alabama and South Carolina. During the weekend of August 3, 2002,
6 BellSouth will implement single C for the remaining states, Tennessee, North
7 Carolina, and Kentucky. As a result, all requests submitted for UNE-P
8 conversions will be processed using single C functionality.

9
10 For a discussion as to the effectiveness of the single C process since its
11 implementation, please see the testimony of BellSouth witness, Ken Ainsworth.

12
13 Q. MS. LICHTENBERG ALSO COMPLAINS ABOUT PROBLEMS WITH LINE
14 LOSS REPORTS AS A RESULT OF THE IMPLEMENTATION OF THE
15 SINGLE C PROCESS. PLEASE RESPOND.

16
17 A. Ms. Lichtenberg discussed line loss report issues that arose “in March in other
18 states.” What she does not discuss is that in her affidavit that was filed with the
19 FCC in BellSouth’s Five State Application, on July 11, 2002, she states that the
20 line loss problem that occurred earlier appears to have been fixed. Ms.
21 Lichtenberg’s FCC affidavit is correct in that regard: any problems that were
22 encountered in the early implementation of the single C process have been
23 addressed, and should not recur. Therefore, Ms. Lichtenberg’s attempt to conjure
24 up future trouble should be ignored.

25

1 For additional consideration, KPMG opened Exception 139 in its Florida Third
2 Party test regarding a lack of detail on its line loss report provided to CLECs.
3 BellSouth addressed this issue, KPMG recommended closure of this Exception,
4 and the Florida Public Service Commission closed it on July 16, 2002. This is
5 further confirmation that BellSouth has addressed outstanding issues in this
6 regard.

7
8 Q. MR. BRADBURY OF AT&T REFERENCES AN ISSUE REGARDING THE
9 INTEGRATION OF BELL SOUTH'S TROUBLE ANALYSIS FACILITATION
10 INTERFACE ("TAFI") WITH CLECS' BACK OFFICE SYSTEMS. PLEASE
11 COMMENT.

12
13 A. Seven state commissions¹ that have reviewed BellSouth's Section 271
14 applications have found that BellSouth's maintenance and repair facilities are
15 nondiscriminatory and meet the requirements of the competitive checklist, and the
16 FCC has confirmed the same findings in its Georgia/Louisiana Section 271 Order
17 ("GA/LA Order")². On this identical issue, at Paragraph 170, the FCC stated
18 "BellSouth offers competing carriers access to the same system and functionality
19 that BellSouth uses for its retail operations." Further, the FCC, in Paragraph 171,

¹ Alabama Public Service Commission Docket No. 25835, May 22, 2002; Georgia Public Service Commission Docket No. 6863-U, October 2, 2001; Kentucky Public Service Commission Case No. 2001-105, April 26, 2002; Louisiana Public Service Commission Docket No. U-22252(E), September 19, 2001; Mississippi Public Service Commission Docket No. 97-AD-321, October 4, 2001; North Carolina Utilities Commission Docket No. P-55, Sub 1022, July 9, 2002; Public Service Commission of South Carolina, February 22, 2002.

² FCC Docket No. 02-35, Joint Application by BellSouth Corporation, BellSouth Telecommunications, Inc., And BellSouth Long Distance, Inc. for Provision of In-Region, InterLATA Services In Georgia and Louisiana, May 15, 2002. At Paragraph 169, the Commission "conclude[d], as did the Georgia and Louisiana Commissions, that BellSouth provides nondiscriminatory access to its maintenance and repair OSS functions."

1 rejected AT&T's arguments "on the same basis as did the Georgia and Louisiana
2 PSCs, finding BellSouth's offer to include the functionality of TAFI into ECTA, if
3 AT&T pays for the development costs, reasonable and nondiscriminatory
4 because, as described above, competitive LECs have the same access to
5 maintenance and repair functionality as BellSouth's retail operations.

6
7 Further, of the state commissions that heard this issue in the BellSouth-AT&T
8 arbitration proceedings,³ only the TRA found in favor of AT&T on the matter of
9 integrating TAFI with CLECs' back-office systems.⁴

10

11 Accordingly, it is not surprising that Mr. Bradbury trumpets AT&T's only
12 "success" in obtaining a ruling in its favor from the TRA.

13

14 The crux of the whole issue is that an ILEC is not obligated to provide capabilities
15 that it does not provide for itself or for which there exist no industry standards.
16 Such capabilities are not required by the FCC in order to provide CLECs with
17 nondiscriminatory access to its OSS. The fact is, that BellSouth provides to
18 AT&T, and to all other CLECs, maintenance and repair functions equivalent to its
19 own, thereby meeting the FCC's test for nondiscriminatory access. Further,
20 except for the TRA, all other regulatory bodies that have ruled on this issue -
21 including the FCC - have agreed. Therefore, it is reasonable to presume that
22 BellSouth should not be required by the TRA to provide capabilities that fall

³ Georgia Public Service Commission Docket No. 11853-U, April 20, 2001; Florida Public Service Commission Docket No. 000731-TP, June 28, 2001; Kentucky Public Service Commission Case No. 2000-465, May 16, 2001; North Carolina Utilities Commission Docket No. P-140, Sub 73, June 19, 2001. The Alabama Public Service Commission has not yet provided a ruling in Docket No. 27889 - AT&T Arbitration on the issue.

⁴ See AT&T Arbitration Order (TRA Docket No. 00-00079).

1 outside the scope of the FCC's requirements for nondiscriminatory access to its
2 maintenance and repair functions.

3
4 Q. MR. BRADBURY CLAIMS THAT BELL SOUTH REFUSES TO PROVIDE
5 AN INTEGRATED MAINTENANCE AND REPAIR INTERFACE WITH TAFI
6 FUNCTIONALITY. PLEASE EXPLAIN BELL SOUTH'S POSITION ON
7 AT&T'S CLAIM.

8
9 A. BellSouth received the final rejection of its Motion for Reconsideration on April
10 22, 2002. Accordingly, BellSouth is working with the CLECs through the CCP to
11 comply with the TRA's Order, as more fully explained below. Although
12 BellSouth declined in the past to provide the capability under AT&T's parameters,
13 BellSouth offered to provide to AT&T the service it desired, if AT&T would pay
14 for the development of the non-standard, custom service under the Bona Fide
15 Request ("BFR") process-- an appropriate request since no standards exist, and
16 since AT&T is the only CLEC actually pushing for the development.⁵ Otherwise,
17 it is clear that BellSouth is committing itself to an extreme and unwarranted
18 expense, even though once the capability is developed, AT&T is under no
19 obligation to actually use the capability.

20
21 Notwithstanding the fact that BellSouth has begun the process of integrating the
22 functionality of TAFI with ECTA, a process that will in all likelihood take several
23 years (recall that in the testimony in the AT&T/BellSouth arbitration, the
24 evidence was that it would take 18 months to create a fully functional non-

⁵ Also provided in Exhibit RMP-2.

1 industry standard interface, while the TRA has now ordered an interface that must
2 conform to industry standards that do not even exist today, hence the uncertainty
3 about how long this will take) BellSouth would continue to note that AT&T has
4 been – and continues to be – the only CLEC to actively pursue the capability as
5 described in its request. Other CLECs have expressed interest since the TRA’s
6 mandate, but it is still unclear whether those CLECs – or AT&T, for that matter –
7 will actually use such a service. BellSouth declined in the past to provide the
8 service based upon a thorough and well-documented review of the request within
9 the CCP.⁶ The findings of that review – and BellSouth's recommendation – have
10 been fully supported by orders of all regulatory bodies save this one.
11 Nevertheless, as explained below, BellSouth is in the process of working with the
12 CLECs through the CCP to comply with the TRA’s order.

13
14 Q. WHAT HAS BELL SOUTH DONE TO COMPLY SINCE THE TRA’S FINAL
15 RULING THAT BELL SOUTH MUST PROVIDE TAFI FUNCTIONALITY?

16
17 A. Through the Change Control Process (“CCP”), AT&T’s change request CR0012
18 is actively under discussion to develop a solution for compliance with the TRA’s
19 ruling. In April 2002, immediately after the TRA issued its decision on the
20 Motion for Reconsideration on April 22, 2002, BellSouth requested CLEC
21 participation in development of the user requirements for the service, and changed
22 CR0012 to a Type 2 (Regulatory Mandate) request. On May 28, 2002 and June
23 13, 2002, initial meetings were held to discuss the development of the user

⁶ AT&T issued Change Request CR0012 to BellSouth's Change Control Process on April 18, 2000. BellSouth's subsequent review – and the reasons for denial – of the request are provided as Exhibit RMP-2

1 requirements. Based upon those meetings, BellSouth provided to the CLECs its
2 proposal for the service capability on June 27, 2002.⁷ On July 18, 2002, a follow-
3 up meeting was held to discuss BellSouth's proposal and alternative proposals set
4 forth by the CLECs.

5

6 Q. MR.BRADBURY (AT&T, PAGES 20-43), MS. LICHTENBERG
7 (WORLDCOM, PAGES 5-11), MS. DAVIS (COVAD, PAGES 18-21) AND MS.
8 CONQUEST (ITC^DELTACOM, PAGES 2-4) ALL QUESTION THE
9 ADEQUACY OF BELL SOUTH'S CCP. PLEASE RESPOND.

10

11 A. As mentioned above, a complete description and discussion of CCP is contained
12 in the Stacy Affidavit. The relevant paragraphs were referenced earlier for the
13 TRA's convenience.

14

15 In general, these CLEC witnesses raise the same complaints that that have been
16 raised before virtually every state regulatory body in BellSouth's region, as well
17 as the FCC. Despite these complaints about the CCP, seven state commissions
18 have endorsed BellSouth's Section 271 approval and, in so doing, have endorsed
19 BellSouth's CCP.

20

21 Importantly, the FCC, which created the test of adequacy for a change
22 management process, thoroughly reviewed the very same CCP that these
23 witnesses address when it approved BellSouth's Section 271 applications for
24 Georgia and Louisiana. The FCC found that:

⁷ This Chronology and a copy of the BellSouth proposal are also provided in Exhibit RMP-2.

1 because of its overall record, the recent improvements it has made,
2 including the implementation of several important competitive LEC-
3 requested features, its commitment to continued improvement, and its
4 collaborations with competitive LECs in this process, we do not find a
5 record that warrants checklist noncompliance. As the Commission has
6 repeatedly stated, the checklist does not require perfection. Accordingly,
7 as did the Georgia and Louisiana Commissions, we find that BellSouth
8 provides competing carriers “an effective systems change management
9 process to which it has adhered over time.” (*See* GA/LA Order, at ¶ 194.)

10
11 Further, in the same Order, the FCC flatly rejected most, if not all, the same type
12 of complaints from these same witnesses regarding what an adequate change
13 management process should or should not contain.⁸

14
15 Although Mr. Bradbury admits in his testimony that BellSouth passed the FCC’s
16 adequacy test for change management, beginning on page 22 of his testimony, he
17 apparently chooses to ignore the reality of the situation, and reiterates the same
18 claims he has always made, as if the allegations are brand new.

19
20 As explained in the Stacy Affidavit (at ¶¶ 79-170), the Georgia Public Service
21 Commission is actively monitoring a collaborative effort within the CCP to
22 improve the process itself. The FCC recognized – and encourages – such
23 collaboration to ensure that the CCP’s current high performance level is
24 maintained, and that it continues to evolve.⁹

25

⁸ Id., at Para. 181 (Go/NoGo vote not required); at Para. 182 (BellSouth provides for input from competing carriers); at Para.184 (rejects allegations of a BellSouth ‘veto power’); at Para. 186 (CCP provides for dispute resolution); at Para. 187-190 (BellSouth's testing environments are adequate – specifically rejects AT&T and WorldCom allegations); at Para. 191 (BellSouth provides sufficient documentation); at Para.192-197 (Rejects assertions that BellSouth does not adhere to the CCP).

⁹ Id., at Footnote 697.

1 Mr. Bradbury at page 26, on the other hand, seems to admonish the Georgia
2 Public Service Commission for its collaborative role, implying that that
3 Commission is incapable of resolving any issues that have been entrusted to its
4 oversight. As with WorldCom, Covad and ITC^DeltaCom, AT&T's complaints
5 appear to arise out of the inability to control the CCP in a manner that forces the
6 CCP to address the individual CLEC's unique business plan needs – versus the
7 needs of the CLEC community as a whole. But this is how it should be. The
8 CCP should represent the needs of the entire CLEC community, and decisions
9 and prioritizations regarding changes to BellSouth's OSS should be based upon
10 CLEC community consensus, versus the individual business plans of a few more
11 vocal CLECs.

12
13 Q. HAS THE TRA ISSUED ANY RULINGS REGARDING BELLSOUTH'S CCP?

14
15 A. Yes. In its order in Docket 00-00079, the TRA rejected AT&T's requests to: (1)
16 adopt its proposed changes into the CCP; and (2) have the TRA take the CCP
17 under its supervision. As the basis for its ruling – other than what it cited as a
18 “lack of evidentiary support”¹⁰ - the TRA cited several previous FCC Section 271
19 orders regarding adequacy of a change management process, including the *First*
20 *Report and Order*, *Third Report and Order*, and the *Bell Atlantic New York*
21 *Order*. AT&T did not file for a Motion for Reconsideration on the TRA's ruling
22 in that docket, but it has exhumed the same complaints – and more – for re-

¹⁰ Final Order of Arbitration Award, Tennessee Regulatory Authority, Docket No. 00-00079, November 29, 2001, at Page 35.

1 examination in this docket, despite the fact that the TRA and the other regulatory
2 bodies have already addressed the majority of these issues.

3

4 Q. ON PAGE 24 OF ATTACHMENT 1 OF HIS TESTIMONY, MR. IVANUSKA
5 (BIRCH TELECOM) CLAIMS THAT THE ELECTRONIC SYSTEMS OF
6 BELLSOUTH ADVERTISING AND PUBLISHING COMPANY (BAPCO)
7 SHOULD BE “UNDER THE CCP UMBRELLA”. DO YOU AGREE?

8

9 A. No. BAPCO is the equivalent of a third party and thus its systems and operations
10 should not be, and are not required to be, subject to CCP. The participation of
11 BellSouth Telecommunications, Inc. in the CCP process adequately addresses the
12 CLECs needs. Mr. Milner specifically addresses the partial migration issue.

13

14 Q. ON PAGE 8 OF HER TESTIMONY, MS. DAVIS OF COVAD CLAIMS
15 “BELLSOUTH HAS A FULLY MECHANIZED ORDERING PROCESS FOR
16 ITSELF, [BUT] IT HAS BEEN UNABLE OR UNWILLING TO PROVIDE
17 FLOW-THROUGH MECHANIZATION” OF KEY DSL SERVICES
18 INCLUDING THE UCL-ND AND LOOP CONDITIONING. IS THIS
19 CORRECT?

20

21 A. No. And before I respond to Covad’s specific issues raised in their comments, I
22 want to put the larger issue of BellSouth’s responsiveness to the CLECs, and
23 specifically Covad, into perspective. During a series of collaborative sessions,
24 BellSouth has created seven different unbundled loop products that are capable of

1 supporting DSL services, each with characteristics specifically tailored to meet
2 the CLEC's requirements. Each time, after the product has been tested and rolled
3 out, the CLECs seem to identify yet another "critical" product. Thus, one could
4 conclude that the underlying issue is not BellSouth's responsiveness to the
5 CLECs, but rather the CLECs lack of business plans that enable them to
6 effectively use the available unbundled loops.

7 To date, BellSouth has created the following unbundled loop products, all but one
8 of which are available for electronic ordering with flow-through:

- 9 1. Unbundled ISDN compatible loop – A designed loop tailored to support ISDN
10 services – available for electronic ordering and flow-through (mechanized
11 January 2000).
- 12 2. Line Sharing – unbundled access to the high frequency spectrum of an
13 existing BellSouth-provided voice loop capable of supporting DSL services –
14 available for electronic ordering with flow-through (mechanized September
15 2000).
- 16 3. Unbundled ADSL compatible loop – A designed loop tailored to support
17 ADSL services – available for electronic ordering and flow-through
18 (mechanized November 2000).
- 19 4. Unbundled Copper Loop - Designed – A designed, dedicated 2- or 4-Wire
20 UCL/S (Short) or 2- or 4-Wire UCL/L (Long) metallic transmission facility
21 from BellSouth's Main Distribution Frame (MDF) to a customer's premises
22 (including the Network Interface Device (NID)), exclusive of any intervening
23 equipment such as load coils, repeaters, or Digital Access Main Lines

1 (“DAMLs”), provisioned with test point and a BellSouth provided Design
2 Layout Record (DLR) – available for electronic ordering and flow-through
3 (mechanized November 2000).

4 5. Line Splitting - unbundled access to the high frequency spectrum of an
5 existing CLEC-provided voice loop capable of support DSL services –
6 available for electronic ordering with flow-through (mechanized January
7 2002).

8 6. Unbundled Universal Digital Circuit / IDSL loop - a designed loop tailored to
9 support Covad’s IDSL modem over an ISDN-type loop – available for
10 electronic ordering and flow-through (mechanized ordering February 2002
11 with full flow-through June 2002).

12 7. Unbundled Cooper Loop – Non-Designed – a non-designed copper loop
13 similar to the UCL described above but provisioned without either a Design
14 Layout Record (DLR) or a test point - available for manual ordering now,
15 with electronic ordering targeted for August 2002 and flow-through targeted
16 for December 2002.

17
18 Q. ON PAGES 4-6, MS. DAVIS OF COVAD CLAIMS THAT BELL SOUTH HAS
19 “FAILED TO MECHANIZE THE ORDERING OF CRITICAL DSL LOOPS”
20 INCLUDING UCL-ND LOOPS AND LOOPS REQUIRING CONDITIONING.
21 PLEASE COMMENT.

22
23 A. While it is true that BellSouth does not currently offer electronic ordering of
24 either the UCL-ND loop or Loop Conditioning, Covad greatly exaggerates its

1 significance. I will address each issue separately. Before I do, however, I want to
2 make a point that highlights our frustration with the CLECs. As of end of June
3 2002, the CLECs had exactly one UCL-ND in service in Tennessee. Let me say
4 that again. In spite of all the clamor, the CLECs have exactly one UCL-ND in
5 service in Tennessee.

6

7 Mechanization of UCL-ND Loops

8

9 The Flow-Through Task Force (“FTTF”)¹¹ submitted CR0541 (FTTF-11) on
10 behalf of Covad on November 5, 2001 requesting mechanization of the UCL-ND.

11 This request was originally prioritized 11 out of 13 in the FTTF by the CLECs.

12 When BellSouth considered the ordering volumes in conjunction with the
13 prioritization ranking by the CLECs, it is understandable why BellSouth did not
14 immediately dedicate resources to the development and implementation of an
15 electronic ordering capability for the UCL-ND product. Subsequently, on April 9,
16 2002, the CLECs re-prioritized the Flow-Through Task Force Change Requests,
17 and CR0541 moved up to number 6, and BellSouth expedited this Change
18 Request through Planning & Analysis. It was considered for inclusion in Release
19 10.5 implemented on June 1, 2002; however, it was determined that BellSouth
20 was unable to include it in this release due to resource constraints of BellSouth’s
21 software developers. It is currently planned for inclusion in Release 10.6 targeted
22 for August 24, 2002. This release will allow electronic ordering of the UCL-ND

¹¹ The FTTF was established cooperatively by BellSouth and the CLECs under the direction of the Georgia Public Service Commission in February 2001. The FTTF operates as a subcommittee of the CCP. The

1 loop via all electronic ordering interfaces and the orders will then fall for manual
2 handling. Mechanized ordering with flow-through is currently targeted for
3 Release 11.0 in December 2002. This information has been conveyed to the
4 CLEC community via the CCP. Any changes to this plan will be conveyed, as
5 such information becomes available, to the CLECs via an update to the Change
6 Request on the CCP site at:
7 http://www.interconnection.bellsouth.com/markets/lec/ccp_live/index.html .
8 Such changes are also reflected on a Change Request Daily Activity Report that is
9 sent to participants in the CCP.

10

11 Mechanization of Loop Conditioning

12

13 Covad raised this identical issue with the FCC in the Georgia/Louisiana
14 proceedings, the FCC rejected it. The FCC stated that:

15

16 “Given the fact that the volume of orders for these products are low,
17 BellSouth’s demonstrated willingness to automate the ordering for these
18 orders despite their low volumes, and the very high percentage of loops
19 that can be ordered electronically, we cannot agree with commenters, like
20 Covad, that BellSouth’s ordering systems deny competing carriers a
21 meaningful opportunity to compete. Although it may be true that some
22 specific products that Covad ordered during this time are predominately
23 manual, BellSouth’s analysis shows that several loops can and are ordered
24 via electronic interfaces.” (See GA/LA, ¶¶149-150)

objective of the task force is to enhance the flow-through of electronic orders, document those enhancements, and develop a schedule for implementing the enhancements.

1 Nevertheless, Covad complains in Tennessee that they must have yet another
2 “critical” product to enable them to provide data services – the ability to order
3 loop conditioning electronically, even though Covad already enjoys the same
4 capabilities to order data services that are offered to Network Service Providers
5 (“NSPs”).

6 For illustration I will describe the current flow of orders from NSPs to BellSouth
7 for provision of DSL transport service (data services), as compared to what Covad
8 currently uses.

9 1. The NSP uses the Loop Qualification System (“LQS”) to determine if the
10 end user is served by an existing loop capable of supporting DSL transport
11 (data services). (Exactly the same capability Covad has through use of
12 either Mechanized Loop Makeup or LQS).

13 2. The NSP places an order for DSL transport (data services) electronically
14 through the Service Order Entry Gateway (SOEG) that generates an order
15 in SOCS for BellSouth Network Services to provision the loop. (Exactly
16 the same capability Covad has for the unbundled ADSL, ISDN, UDC,
17 UCL-D and line sharing products).

18 3. BellSouth network provisions the DSL transport service (data services) for
19 the NSP. (Exactly the same capability provided to Covad).

20

21 To address CLECs’ concerns, BellSouth has already started to develop the next
22 series of products and services that include various forms of loop conditioning.

23 These products and services will allow the modification of an existing loop to

1 make it capable of supporting DSL-like services or to enhance the speed of those
2 services. As these products and services are rolled out, they will be available to
3 both the NSPs and the Data LECs, including Covad. Thus, in direct contradiction
4 of Covad's claim, BellSouth is focused on expanding the availability of the
5 wholesale DSL transport services and the unbundled data loop products.

6
7 It is true, as Covad stated at page 5 of its testimony, that BellSouth does not
8 currently offer electronic ordering of an ADSL-compatible loop or Line Sharing
9 with conditioning. This enhancement previously had been considered in the CCP
10 and it was determined not to be feasible due to the time and cost of development
11 versus demand at the time the request was evaluated. This determination is still
12 sound, as BellSouth completed only 26 xDSL orders requiring loop conditioning
13 for the period July 2001 through April 2002 region-wide.

14
15 Nevertheless, BellSouth has participated in numerous collaborative sessions with
16 Covad to discuss possible solutions to Covad's requests. Based upon the
17 discussions held during a February 19, 2002 meeting, and the subsequent data
18 provided by Ms. Davis of Covad, BellSouth re-evaluated the business case and
19 the electronic ordering capability options. Another meeting was held on March 7,
20 2002 in Atlanta between BellSouth's Product Management Team and Covad to
21 seek Covad's input in assessing the viability of options for electronic ordering of
22 loops/line sharing with conditioning. As a result of these collaborative efforts,
23 BellSouth is currently pursuing the mechanization of loop modification. The
24 project has been approved and the internal project team completed its electronic
25 feasibility verification on April 18, 2002. Definition of detailed user requirements

1 is targeted to begin in early August. So in the real world, this issue is being
2 collaboratively addressed by the parties in stark contrast to Ms. Davis's claims in
3 her testimony.

4
5 Q. ON PAGES 7-10, MS. DAVIS WITH COVAD DESCRIBES A "MAJOR
6 DEFECT" ASSOCIATED BELLSOUTH'S FAILURE TO RETURN A
7 PSEUDO CIRCUIT NUMBER WITH A FIRM ORDER CONFIRMATION
8 ("FOC") ON LINE-SHARED LOOP ORDERS. PLEASE COMMENT.

9
10 A. Ms. Davis correctly notes that a defect has been opened via BellSouth's Change
11 Control Process for the missing pseudo circuit number on the FOC. However,
12 when Covad asked KPMG about this issue in the recent KPMG Florida OSS
13 Workshop, KPMG testified that it was aware of the issue, "but it was not
14 significant enough to cause a not satisfied result."¹² KPMG further testified, "[a]s
15 KPMG Consulting ALEC we were able to validate our bills using the workaround
16 to provide it...[i]n our experience it was not a significant impact."¹³ Thus, even
17 though the FOC that is returned to Covad currently omits the pseudo circuit
18 number, this should not prevent Covad from reconciling its bills. Further, when
19 the defect was verified, a manual workaround was provided so that Covad may
20 verify the status of the order using CSOTS.

21
22 Nevertheless, this defect is being tracked via CR0621/FTTF-36. Contrary to
23 Covad's claims that this defect is "major," it was classified as a "medium" impact
24 defect by the CCP, based upon the agreed upon definition in the CCP. A

¹² Florida OSS Workshop transcript, dated July 12, 2002, page 26.

¹³ Florida OSS Workshop transcript, dated July 12, 2002, page 27.

1 “medium” impact defect means that this failure causes impairment of critical
2 system functions, though a workaround solution does exist, and that it will be
3 implemented within 90 business days, best effort.¹⁴ Furthermore, this defect does
4 not affect flow-through mechanization of Line Shared orders, as claimed by
5 Covad. CLECs have had the ability to submit LSRs for Line Shared services
6 electronically via TAG, LENS, or EDI since September 2000, and an order is
7 electronically generated and will flow-through BellSouth’s internal systems.
8

9 Q. ON PAGE 13 OF ITS COMMENTS, MS. DAVIS OF COVAD CLAIMS THAT
10 THE CURRENT TAG PRE-ORDERING INTERFACE IS “NOT IDEAL”
11 BECAUSE CLECS CANNOT USE IT FOR ORDERING. PLEASE
12 COMMENT.
13

14 A. Covad appears to be confused about the TAG interface. Although Covad is
15 correct that a pre-ordering interface cannot be used for ordering, Covad
16 apparently has ignored the fact that there is also a TAG ordering interface that can
17 be integrated to the pre-ordering interface.¹⁵ Currently, CLECs can integrate the
18 TAG pre-ordering interface with the TAG ordering or the EDI interface, which
19 means that CLECs can perform pre-ordering and ordering in TAG.
20

21 Q. PLEASE DESCRIBE BELL SOUTH’S PLANS TO TRANSITION THE TAG
22 GATEWAY THAT COVAD REFERS TO ON PAGES 12-13 OF ITS
23 TESTIMONY.

¹⁴ See Change Control Process, Version 3.1, effective May 29, 2002, §5.0 entitled “Defect Process, Definition,” page 49, at

http://www.interconnection.bellsouth.com/markets/lec/ccp_live/docs/bccp/ccp_bccp_guide.pdf.

¹⁵ The TAG pre-ordering and ordering interface and the integration of the TAG interface is described in ¶¶ 24, 177-209, and 171-176 of the Stacy Affidavit.

1

2 A. BellSouth plans to transition the current TAG C++ Application Program Interface
3 (“API”) to an Extensible Markup Language (“XML”) technical specification.
4 XML is simply a standard specification language used to describe data. This
5 technical specification language will provide a schema for request and response
6 data for both pre-order and firm order transactions.

7

8 The current TAG API performs two functions for the CLEC application. First, it
9 contains the data structures necessary for submitting requests and receiving
10 responses. Second, it contains libraries embedded within it to transport the
11 requests and responses between the CLEC application and the TAG server at
12 BellSouth. BellSouth plans to migrate to an operating environment that does not
13 require the TAG API, and to separate the data and transport functions, making
14 them independent. The customer will be able to create direct links from internal
15 applications using commercial software, shareware or freeware. This freedom
16 enables customers to choose their method of implementation rather than being
17 limited by C++.

18

19 BellSouth will provide the CLEC with an XML technical specification, much like
20 that provided with BellSouth’s EDI interface today. Since the new XML
21 technical specification is hardware and software independent, CLECs may select
22 from a variety of programming languages (such as Java, Visual Basic, C#
23 (pronounced “C Sharp”) and C++, for example) to integrate with their front and

1 back office systems. The language selection for processing XML-formatted files
2 would be driven by the CLEC rather than by an API, as is currently the case.

3

4 Other advantages of the proposed architecture are as follows:

- 5 • Non-Proprietary Architecture
- 6 • Industry Standard
- 7 • Hardware / Software Independent
- 8 • No API Integration
- 9 • Server Side Data Validation
- 10 • Middleware Flexibility
- 11 • Multiple Development Languages
- 12 • Well Defined Data Specification
- 13 • Choice of Transport Methods

14

15 BellSouth encourages participation of all TAG users in the TAG User Group

16 Forums as these meetings are currently focused on the details of the TAG

17 Transformation. The schedule for the User Group meetings, as well as additional

18 information on the TAG Transformation (overview and draft XML

19 specifications), may be obtained by accessing the BellSouth CLEC Change

20 Control (CCP) Web site at:

21 http://www.interconnection.bellsouth.com/markets/lec/ccp_live/index.html.

22

23 As history, the TAG Transformation Plan was first presented to the CLECs in

24 March 2002. TAG User Group Forum monthly meetings have provided

25 information about the transformation project, and meeting minutes from the

26 March 22, April 19, May 23, and June 21, 2002 meetings are posted to the secure

1 CCP Web site at:
2 http://www.interconnection.bellsouth.com/markets/lec/ccp_secure/ccp_ccm_taguserforum_mm.html. No Covad representative has participated in any of the four
3 meetings held thus far. This may explain Covad's confusion about the project's
4 benefits and its schedule.
5

6
7 This project will address matters that are important to the CLEC community. On
8 May 22, 2002, the CLEC participants in the CCP prioritized EDI Interactive
9 Agent and EDI pre-ordering as first and second out of twenty-six (26). Initially,
10 the release of these two interfaces was slotted in the CLEC release in June 2003.
11 On July 19, 2002, BellSouth announced to the CLECs that it would be possible to
12 implement EDI Interactive Agent and EDI pre-ordering in March 2003 in Release
13 12.0.

14

15 Q. ON PAGES 12 - 13, MS. DAVIS OF COVAD COMPLAINS THAT
16 BELLSOUTH'S PLAN TO "CLOSE THE TAG GATEWAY IS
17 DISCRIMINATORY." DOES BELLSOUTH PLAN TO "RETIRE THE
18 EXISTING TAG GATEWAY BEFORE THE NEW EDI PRE-ORDER
19 FUNCTIONALITY IS READY," AS COVAD CLAIMS?

20

21 A. No, this is not BellSouth's plan. As noted above, and elsewhere herein, Covad
22 would know that this is an inaccurate statement, if it was utilizing the information
23 that BellSouth makes readily available for use by a CLEC.

24

1 Covad is correct that BellSouth is planning to transition the TAG interface to an
2 architecture using XML instead of API. BellSouth's plan provides the CLECs
3 with the necessary time to transition to the new architecture or to another
4 interface. BellSouth intends to allow at least twelve months in the schedule for
5 CLECs to transition to XML once the specification is made available.
6 BellSouth's TAG Transformation plan calls for older versions of the TAG API to
7 be retired in May 2003. The final version of the API (7.9), which will be released
8 in December 2002 with Encore Release 11.0, will be supported for twelve months
9 until its retirement in December 2003. This allows the CLECs ample time to
10 transition to the new TAG XML architecture or to another pre-ordering interface,
11 including LENS or the new EDI pre-ordering interface. This information was
12 provided to CLECs in Carrier Notification Letter No. SN91082970 dated April 8,
13 2002, and attached as Exhibit RMP-3. Notification of a revised schedule was
14 issued by BellSouth on July 19, 2002 in Carrier Notification Letter No.
15 SN91083238, and is attached as Exhibit RMP-4.

16

17 BellSouth's timetable, as revised, is as shown in the chart below.

18

TAG API	Retirement date
7.6.0.2	May 30, 2003
7.6.3	May 30, 2003
7.7.0.2	May 30, 2003
7.7.1.3	December 19, 2003
7.8.1	December 19, 2003
7.9.1.1	December 19, 2003

19

1 To illustrate more clearly, Covad currently uses the TAG API 7.6.0.2.
2 BellSouth's expiration schedule provided Covad with the sufficient time to make
3 educated business decisions as follows:

- 4 • If Covad chooses not to upgrade to 7.9 in December 2002, but instead
5 chooses to migrate to the EDI pre-ordering interface after the
6 implementation of Release 12.0 on March 2003, it will be able to
7 transition to EDI approximately two months before TAG API 7.6.0.2 is
8 retired on May 30, 2003.
- 9 • If Covad chooses to upgrade to TAG API 7.9 in December 2002, it can
10 choose to use that API for twelve months or will have approximately 9
11 months (March to December) to transition between the TAG and EDI pre-
12 ordering interfaces.

13
14 These are reasonable and viable alternatives, upon which Covad may make a
15 sound business decision.

16
17 Q. ON PAGE 22, MS. DAVIS OF COVAD COMPLAINS OF WIDESPREAD
18 INACCURACIES IN BELL SOUTH'S LFACS DATABASE. PLEASE
19 COMMENT.

20
21 A. This is a good example of one of the CLECs' repeated mantras that has been
22 "repeatedly" rejected. For example, based on the evidence in the record, the FCC
23 found, "as did the Georgia and Louisiana Commissions, that BellSouth provides
24 competitive LECs with access to loop qualification information in a manner
25 consistent with the requirements of the UNE Remand Order." Specifically, the

1 Commission found “that BellSouth provides competitors with access to all of the
2 same detailed information about the loop that is available to itself and in the same
3 time frame as any of its personnel could obtain it.” [Footnotes omitted.] GA/LA
4 Order, ¶112. Further, the FCC has recognized that, when searching for loop
5 qualification information, both competing carriers and the incumbent LEC use the
6 LFACS system. Thus, any inaccuracies in the ILEC’s database are not
7 discriminatory, because they affect the ILEC in the same fashion as competing
8 carriers. *See Kansas/Oklahoma Order ¶126.*

9
10 BellSouth offers CLECs access to the Loop Facilities Assignment and Control
11 System (LFACS) via LENS and TAG. LFACS is the same database that is used
12 by BellSouth’s retail operations. Therefore, any inaccuracies affect both the
13 CLECs and BellSouth’s retail operations in the same way. BellSouth disagrees
14 with Covad’s allegations of widespread inaccurate data in BellSouth’s loop
15 makeup databases. Although BellSouth’s LFACS database is not perfect, it is
16 very accurate.

17
18 In some instances, some of the LMU information may not be listed in the LFACS
19 database. In those instances, if a CLEC should determine that it needs additional
20 information that is not available electronically, it can submit a manual LMU
21 Service Inquiry request. Similarly, for BellSouth to serve its own customers,
22 BellSouth must submit a service inquiry to obtain facility information for the
23 requested retail service/product when the data is not available electronically.
24 Nondiscriminatory access does not require that all detailed information about
25 loops must be available electronically and involve no manual processes. The fact

1 is, if BellSouth has access to the detailed information required for loop
2 qualification electronically, that information is provided to the CLEC
3 electronically. Likewise, CLECs and BellSouth can obtain all other available
4 information through the manual process. Therefore, BellSouth provides to
5 CLECs nondiscriminatory access to all of the same detailed information about the
6 loop that is available to BellSouth, in compliance with the FCC's UNE Remand
7 Order, ¶427¹⁶.
8

9 BellSouth works to constantly enhance LFACS. Nevertheless, while 100% of
10 BellSouth's loops are populated in LFACS with certain basic information, not all
11 will have the detailed loop makeup information necessary to qualify a loop. It is
12 estimated that as much as 85% of loops with detailed loop makeup information
13 are populated in LFACS in some major metropolitan areas. As of March 2002,
14 Loop Makeup data is populated in LFACS on approximately 51% of the total
15 network feeder or distribution cable pairs region-wide.
16

17 More important, BellSouth is continuously updating and/or populating loop
18 makeup data in LFACS. Each time an Outside Plant Engineer issues an
19 Engineering Work Order ("EWO"), loop makeup data is input/updated on every
20 cable pair handled on the EWO. Additionally, each time a CLEC uses the manual
21 service inquiry process, BellSouth loads the resulting loop makeup information
22 into LFACS for future queries. As more CLECs enter a local market, the loop
23 makeup data grows correspondingly as a result of the increased number of manual

¹⁶ Third Report and Order and Fourth Further Notice of Proposed Rulemaking, FCC Docket No. 99-238, ¶427 at Page 192.

1 inquiries that are handled. Two such examples are the Cool Springs and
2 Nashville Main wire centers in Tennessee which have over 76% and 71% of the
3 total loops populated with detailed loop makeup information, respectively. To put
4 this into perspective, in Tennessee there is currently loop makeup information for
5 over 7.6 million database entries for loops in the LFACS database.¹⁷ In order to
6 increase the loop makeup data in LFACS by one percent, loop makeup data must
7 be generated and populated on over 178,000 facilities in Tennessee. These entries
8 will occur as a natural result of Outside Plant work and of CLEC entry into local
9 markets; thus LFACS will continue to improve on a daily basis.

10

11 Q. ON PAGE 32, MS. DAVIS OF COVAD SUGGESTS BELL SOUTH SHOULD
12 BE REQUIRED TO IMPLEMENT A PLAN TO COMPLETE AND UPDATE
13 ITS LOOP RECORDS FOR ALL RESIDENTIAL ACCOUNTS. DO YOU
14 AGREE?

15

16 A. No. In ¶429 of its UNE Remand Order, the FCC stated “[w]e disagree, however,
17 with Covad’s unqualified request that the Commission require incumbent LECs to
18 catalogue, inventory, and make available to competitors loop qualification
19 information through automated OSS even when it has no such information
20 available to itself. If an incumbent LEC has not compiled such information for
21 itself, we do not require the incumbent to conduct a plant inventory and construct
22 a database on behalf of requesting carriers.”¹⁸

23

¹⁷This number is derived based upon the fact that loop makeup is populated for each segment of the loop (feeder and distribution pairs) individually, on both working and idle facilities.

¹⁸Third Report and Order and Fourth Further Notice of Proposed Rulemaking, FCC Docket No. 99-238, at Page 193.

1 Q. DOES BELLSOUTH PROVIDE NONDISCRIMINATORY ACCESS TO ITS
2 SERVICES AND FACILITIES?

3
4 A. Yes. Ms. Conquest of ITC^DeltaCom complains on pages 3-4, that CLECs do
5 not have nondiscriminatory access to OSS, because of Ms. Conquest's incorrect
6 perception that CLECs cannot view pending service orders. This is, at least, a
7 misstatement of the facts, as CLECs do have that capability. In fact, in footnote
8 392 of the FCC's GA/LA Order, the Commission noted, "BellSouth does provide
9 a PSO flag in the LENS interface to alert carriers that a service order is pending.
10 BellSouth explains that PSO information is proprietary customer information, but
11 that competitive LECs have the ability to track the details of pending service
12 orders for their own customers using the [Competitive]LEC Service Order
13 Tracking System (CSOTS)]." Therefore, this is a non-issue.

14
15 Q. PLEASE DISCUSS THE LENS DEFECT TO WHICH MS. CONQUEST OF
16 ITC^DELTACOM REFERS IN HER TESTIMONY ON PAGE 3.

17
18 A. Ms. Conquest refers to a defect in LENS that continued for several months. As
19 information, pending service orders were not viewable in LENS as a result of
20 coding changes to the way LENS displays CSR information that were
21 implemented in Encore Release 9.4 on July 28, 2001. In order to correct the
22 defect, a change to the program code was required on the part of BellSouth.
23 During the time that BellSouth was working diligently to correct this defect, the
24 CLECs were fully informed of BellSouth's efforts. The LENS Project Manager
25 posted a Carrier Notification Letter No. SN91082569 on August 16, 2001 and

1 attached as Exhibit RMP-5, which detailed the pending service order defect. A
2 Defect Notification was also posted on the CCP website on August 27, 2001.
3 Additionally, the LENS Project Manager provided daily updates to the CCP on
4 this issue, and in turn, the CCP regularly disseminated this information to the
5 CLEC community. The pending service order was corrected in Encore Release
6 10.3 on January 5, 2002. Therefore, this problem has been resolved.
7

8 Q. COULD YOU COMMENT ON MS. LICHTENBERG'S COMPLAINTS ON
9 PAGES 8-10 OF HER TESTIMONY REGARDING WHAT SHE PERCEIVED
10 AS A SIGNIFICANT NUMBER OF DEFECTS IN BELL SOUTH'S RELEASE
11 10.5.
12

13 A. The Stacy Affidavit in ¶¶ 141-147 contains a complete description of BellSouth's
14 software testing processes and a discussion of the defects found in Release 10.5,
15 as of the date of the affidavit. As concluded there, the total impact of these
16 defects was minor because they did not inhibit the CLECs' smooth transition to
17 Release 10.5: either they were related to a few orders that were caught in the
18 transition period between the software versions, or they were corrected quickly
19 once they were detected.
20

21 Q. MS. LICHTENBERG NOTES THE TRA'S RECENT ORDER REGARDING
22 THE REGIONALITY OF BELL SOUTH'S OSS. PLEASE DISCUSS.
23

24 A. The FCC stated that "[w]e conclude that BellSouth, through the PwC review and
25 other aspects of its application, provides sufficient evidence that its electronic

1 processes are the same in Georgia and Louisiana. In conducting its review, PwC
2 examined the consistency of applications and technical configurations used to
3 process pre-ordering and ordering transactions region-wide, and reviewed the
4 consistency of documentation of systems and processes in BellSouth's local
5 carrier service center. " (GA/LA Order, at ¶110)

6
7 Ms. Lichtenberg simply reiterates on pages 14-15 of her testimony, the TRA's
8 finding regarding the regionality of BellSouth's OSS in its Order Resolving Phase
9 I Issues of Regionality, 01-00362 at 40, issued by the TRA on June 21, 2002.
10 However, based upon the findings of seven of the states in BellSouth's nine-state
11 region, and the FCC's concurrence referenced above, BellSouth believes that the
12 TRA was mistaken. Accordingly, BellSouth is hopeful that the TRA will look
13 favorably upon BellSouth's Motion for Reconsideration that was filed on July 8,
14 2002.

15
16 As further substantiation, the Stacy Affidavit explains that BellSouth provides
17 CLECs with the same set of electronic interfaces for submission of all CLEC
18 service requests throughout BellSouth's nine-state region. (See ¶¶ 39-61). The
19 electronic processes and the OSS for the remainder of BellSouth's states,
20 including Tennessee, are the same as those used in Georgia and Louisiana. For
21 example, a CLEC in any of the nine states uses the same interfaces for access to
22 the same BellSouth OSS as a CLEC in any other state in BellSouth's region.
23 There is only one LENS, TAG, or EDI.

24

1 One factor used by the TRA to reach its erroneous conclusion was a “surprise”
2 document that was presented by one of the TRA Directors, in an effort to prove
3 that BellSouth’s OSS was not regional through a flow-through analysis. As
4 explained in BellSouth’s Motion for Reconsideration, and reviewed here, that
5 document was based on inaccuracies and incorrect assumptions.

6
7 In the TRA’s June 28, 2002 Order, Exhibit 1 (“TRA Exhibit 1”) in this matter
8 from the TRA, there is discussion about BellSouth’s flow-through performance
9 and questions regarding the regionality of BellSouth’s OSS. I would like to
10 comment on that discussion and answer some of those questions here. First,
11 BellSouth’s systems are regional, and the data will confirm that fact when
12 examined on an “apples-to-apples” basis. Next, the “Flow-Through” analysis
13 included in TRA Exhibit 1, does not consider the weighted effect of the data, and
14 only looks at the “average of averages” in making its comparisons. Finally, the
15 software that determines the operation of the flow-through function treats any
16 Local Service Request (“LSR”) that has all the characteristics in the exact same
17 manner for any state.

18
19 In reviewing the data analysis included in this discussion, the assumption in TRA
20 Exhibit 1, was that there is no variation in the product being analyzed. This is an
21 incorrect assumption. In explanation, as stated in the BellSouth Business Rules
22 for Local Ordering, there are two Requisition Types (“ReqTypes”) associated
23 with Number Portability, Type B and Type C. Type B is defined as Loops with
24 Number Portability and Type C is Number Portability only or standalone. There
25 are major differences between orders that include the local loop and ones that

1 only port the local number. Type B orders include all the features and services
2 available with any loop, such as designed or non-designed, loop length, test jacks,
3 etc. and, as a result, have a lower flow-through rate than Type C orders. Thus,
4 because the numbers included in TRA Exhibit 1 are a combination of both
5 ReqTypes and assume the combination is of equivalent value for each state and
6 month analyzed, the resulting conclusion is fatally flawed.

7
8 A detailed review highlights the differences in the LSRs submitted in Tennessee
9 and Kentucky for March and April 2002, and thus the flaw in the comparison in
10 TRA Exhibit 1. The following table provides a breakdown of the LSRs by
11 ReqTypes for Kentucky and Tennessee for March and April 2002 and the percent
12 flow-through for each.

13

Year 2002		REQUEST TYPE B		REQUEST TYPE C	
State	Month	Percent Total LSRs	Percent Flow Through	Percent Total LSRs	Percent Flow Through
Tennessee	March	61.8%	71.0%	38.2%	78.8%
	April	38.8%	75.4%	61.2%	83.5%
Kentucky	March	0.0%	N/A	100.00%	96.1%
	April	0.0%	N/A	100.00%	96.9%

14
15 As shown in the above table, not only is there a major variation within the state of
16 Tennessee from March and April, but Kentucky had no Type B orders in *either*

1 month. Also shown is the fact that the Type B orders have a flow-through rate in
2 the 70 percent rate while the Type C orders have a high 80 to 90 percent rate.
3 These facts clearly demonstrate that the variation in the quantity and proportion of
4 the type of orders input into the OSS are major contributing factors for the
5 variation in the percent flow-through by month and state, not the fact that the
6 systems are different. This simple analysis does not give any consideration to the
7 various activity types associated in the processing of requests by the two
8 ReqTypes. Thus, in rendering its earlier opinion, the TRA was only able to
9 speculate, based upon the analysis contained within TRA Exhibit 1, that
10 BellSouth's OSS were not regional.

11
12 Additionally, TRA Exhibit 1 was produced based on utilizing "averages of
13 averages" in an attempt to illustrate that LNP flow-through results are different
14 between the former Southern Bell states and the former South Central Bell states.
15 For example, on page 1 of TRA Exhibit 1, it constructs a regional average for the
16 South Central and Southern states on the lower half of the page. Specifically, for
17 March 01 for Southern Bell, the derived regional percentage is noted as 77.51%.
18 This was derived by averaging the percentages, as noted in the data provided in
19 the upper right hand section of TRA Exhibit 1, page 1, for the month of March for
20 the "Former Southern Bell States" ($94.91 + 89.08 + 69.86 + 56.19$ divided by 4
21 equals 77.51). Instead of averaging the averages, if you take the data behind each
22 state's individual result, sum that data and perform the same calculation to
23 compute percent flow through, the answer will be drastically different. For this
24 particular scenario, using the same data that was the basis for the TRA Exhibit 1,
25 the result for March 01 is 89.97%. This is the same reason that the averaging

1 averages result for BellSouth in the “Regional Averages” for March 01 of 72.88%
2 is flawed, and thus does not agree with the BellSouth’s reported result of 89.32%.
3 All of the other calculations utilized in TRA Exhibit 1 are based on this same
4 flawed averages methodology, and do not give any consideration to the weighted
5 effect of volume by state and time.

6
7 Finally, there is only one set of software utilized to act on any electronically
8 submitted LSR. Any LSR that has the same ReqTypes, activity type, etc. will
9 have the same end result no matter whether it is submitted for Nashville,
10 Tennessee, Louisville, Kentucky or Miami, Florida. These systems are designed
11 to perform a function, and will perform that function the exact same way in all of
12 BellSouth’s nine states, as long as the parameters are the same. This fact as has
13 been verified by the PwC audit, and the FCC has confirmed PwC’s findings.

14
15 Accordingly, BellSouth’s OSS are regional and the results indicated on TRA
16 Exhibit 1 do not prove otherwise. As I have shown, the results vary between
17 states because of the variation in the type of orders included, and not because of
18 the results of the operations performed on them.

19
20 Q. IN HIS TESTIMONY ON PAGES 12-15, MR. BRADBURY TRIES TO
21 DEVELOP SOME SORT OF RELATIONSHIP BETWEEN THE FLOW-
22 THROUGH OF ELECTRONIC REQUESTS AND REVENUE. PLEASE
23 COMMENT ON HIS ASSERTIONS.

24

1 A. The assertions simply have no merit because there is no logical correlation
2 between the two categories he is comparing. As a practical matter, the types of
3 requests that are submitted electronically but fall out for manual handling, are the
4 types of requests that generally do relate to the high-dollar business market
5 customers. If anything, that could be indicative of BellSouth's assertion that
6 certain CLECs are more interested in cherry-picking the market than actually
7 being *in* the market. Nevertheless, the FCC has repeatedly stated that it is not a
8 requirement that all types of requests must flow through a BOC's OSS, nor that all
9 types of requests must be submitted electronically in the first place.¹⁹ The FCC
10 has also ruled specifically on BellSouth's performance regarding mechanization,
11 manual handling, and flow-through,²⁰ and that is covered more fully in the Stacy
12 Affidavit (¶¶ 282-287, and other paragraphs throughout).

13
14 BellSouth continues to review its ability to mechanize (either fully or partially)
15 the various types of requests that are either manual or partially mechanized today.
16 However, the decisions regarding whether to mechanize are not based upon
17 revenues – rather, they are logically and reasonably based upon request volumes
18 and programming complexity in conjunction with CLEC prioritization input.

19

¹⁹ Beginning with the FCC's *Bell Atlantic New York Order*, and continuing through all of its orders granting Section 271 approval, including the GA/LA Order, at ¶148. Further, in 1999, Lawrence Strickling, the FCC Common Carrier Bureau Chief, issued a letter to BellSouth affirming the FCC's position.

²⁰ See GA/LA Order, at ¶¶143-152. Of particular note is ¶149 that states "Further, we reject arguments that too many orders fall out by design or cannot be ordered electronically. Rather, we find, as did the Georgia and Louisiana Commissions, that BellSouth properly designs its systems so that a minimal number of orders cannot be ordered electronically."

1 An examination of requests in all of the different categories (Residential Resale,
2 Business Resale, UNE and LNP) reveals that the majority of total requests are
3 found in the Residential Resale and UNE categories, and that within the UNE
4 category, the most volume comes from non-complex UNEs. BellSouth's OSS are
5 properly programmed to process the bulk of the requests, and that programming is
6 not based upon revenues that may or may not be associated with specific types of
7 requests.

8

9 Q. ON PAGE 13 OF HIS TESTIMONY, MR. BRADBURY PRESENTS
10 CALCULATIONS THAT PURPORT TO DEMONSTRATE HIS POINT.
11 PLEASE RESPOND.

12

13 A. If the argument itself has no merit, then creative – and erroneous – math will not
14 fix things. Mr. Bradbury attacks the percent of BellSouth-caused fallout to all
15 fallout without any regard to the overall request volume associated with the
16 fallout. For example, the supporting data behind Mr. Bradbury's assessment is as
17 follows for the state of Tennessee for April 2002:²¹

18

	Total Mech. LSRs	Percent Total Mech. LSRs	Total Manual Fallout	Percent Total Mech. LSRs	BST- Caused Fallout	Percent Total Mech. LSRs	Total Fallout	Percent Total Fallout
RES	13,972	57.05	823	5.89	509	3.64	1,332	9.53
BUS	674	2.75	166	24.63	81	12.02	247	36.65

²¹ This is from the same information provided by BellSouth in response to Interrogatory No. 43 cited by Mr. Bradbury in Footnote 20, Page 13 of his testimony.

UNE	9,361	38.22	1,298	13.87	1,194	12.76	2,492	26.62
LNP	484	1.98	222	45.87	31	6.40	253	52.27
Total	24,491	100.00	2,509	10.00	1,815	7.40	4,324	17.70

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It is obvious from the chart above that the RES and UNE markets drive the volume of LSRs, with UNE being driven primarily by the growing UNE-P market. These two markets comprise over 95% of the LSRs submitted electronically for Tennessee in April 2002, supporting my earlier stated premise that a comparison of flow-through to revenue is illogical because such a small percentage of the total volume involves requests with high-dollar value.

Additionally, Mr. Bradbury overstates the percentages of BellSouth-caused fallout. Using the actual data as I have presented it here, it is apparent that the fallout due to BellSouth's system design or BellSouth Caused errors is considerably less than what Mr. Bradbury reports. However, the more important point is that only 7.4% of the LSRs that fallout do so because of BellSouth Caused errors. With respect to the total manual fallout, this reflects that BellSouth's electronic interfaces are functioning properly.

It is also important to note that the CLEC community could avoid a large percentage of the fallout volume. As an example, while state-specific data is not available, 45.9% of the regional planned manual fallout in April 2002 occurred due to the "Pending Service Orders," or "PSOs". Fallout in this category occurs when a CLEC submits an LSR on an account that has a pending service order at the time of the LSR submission. CLECs have the ability to check for a PSO via

1 the pre-ordering function in LENS, and, therefore, considerably lessen the amount
2 of this type of fallout.

3
4 Q. WHAT DOES THE TRA NEED TO KNOW ABOUT BELL SOUTH'S FLOW-
5 THROUGH PERFORMANCE?

6
7 A. Regardless of the attempts by Mr. Bradbury to manipulate numbers to persuade
8 the TRA otherwise, it is important to remember that the FCC and other regulatory
9 bodies have found that BellSouth's flow-through performance is acceptable.
10 Further, there are no systemic problems within BellSouth's OSS, nor is there any
11 evidence of flow-through calculation errors, to indicate any non-compliance in the
12 requirement to provide CLECs with nondiscriminatory access to the OSS.

13
14 Q. IN HIS AFFIDAVIT, MR. REYNOLDS (ERNEST COMMUNICATIONS,
15 INC.) ALLEGES DIFFICULTIES USING BELL SOUTH'S OSS WHEN
16 ORDERING UNE-P SERVICE FOR PAYPHONE SERVICE PROVIDERS.
17 PLEASE ADDRESS HIS CONCERNS.

18
19 A. The system anomaly that Mr. Reynolds described in his affidavit does exist.
20 However, his account of the situation is decidedly slanted and does not reveal the
21 actual activities that have taken place, or that will take place, to assist his
22 company. Further, he has made personal allegations against BellSouth employees
23 that simply are not true.

24

1 Ernest Communications had previously submitted successfully a number of
2 conversion, or 'V' activity type, LSRs. Frankly, BellSouth had no prior
3 experience with CLECs issuing 'N' activity type LSRs for a UNE-P/coin class of
4 service. Since Ernest Communications is apparently the first CLEC to submit 'N'
5 activity type LSRs for this niche service, BellSouth was not aware that there was
6 a problem associated with 'N' activity type requests. Further examination of the
7 Ernest Communications complaint revealed that programming for the partial
8 mechanization of 'N' activity type requests had never existed (only 'V' activity
9 types), and the occurrence during the software release last fall had no effect on
10 'N' activity type requests. Subsequent to that finding, the BBR-LO
11 documentation was further modified to reflect that the work-around only applies
12 to 'V' activity type requests, and that requests for 'N' activity type service must
13 be submitted manually. The July 16, 2002, Carrier Notification Letter No.
14 SN91083227 with the BBR-LO changes, and the documentation defect change
15 request CR0864 are attached as Exhibit RMP-6 and RMP-7, respectively.

16
17 The fact of the matter is, that the various Universal Service Order Codes
18 ("USOCs") that Ernest Communications is using to request (via BellSouth's
19 LENS interface) a UNE-P line to be used for payphone service (UEPRB for
20 Alabama, and UEPKA for Kentucky, to use Mr. Reynolds' affidavit examples)
21 will be accepted by BellSouth's OSS successfully – but only if the LSR is for the
22 *conversion* of an existing local line to a UNE-P line to be used for payphone
23 service, i.e., an LSR request type of "MB" (for UNE-P), and an activity type of
24 "V" (for "conversion"). At this time, those USOCs will not work for a request for
25 installation of a *new* line to be used for a payphone, i.e., an LSR request type of

1 “MB” (for UNE-P), an activity type of “N” (for “New”), and containing the
2 USOCs as exemplified above.

3
4 BellSouth submitted to the CCP a change request (CR0492, attached as Exhibit
5 RMP-8) on September 14, 2001 to provide proper and complete flow-through of
6 payphone (or “coin”) requests – whether conversion (‘V’) or new (‘N’). It was
7 submitted as a part of the efforts of BellSouth's Flow-Through Task Force
8 (“FTTF”) that is dedicated to improving the flow-through of as many of the
9 different CLEC request types as possible. In February 2002, CR0492 was
10 scheduled for implementation in BellSouth’s Release 11.0 targeted for December
11 8, 2002.

12

13 Q. WHAT IS THE BACKGROUND TO THE SITUATION THAT EXISTS
14 TODAY?

15

16 A. When BellSouth first developed the capability for CLECs to submit electronic
17 requests for converting existing business lines to a UNE-P/coin class of service,
18 the LSRs were actually partially mechanized, meaning that the requests came in
19 electronically from the CLECs, but “fell out” to the Local Carrier Service Center
20 (“LCSC”) for manual handling prior to the creation of service orders. BellSouth's
21 OSS at that point were not designed to fully process those conversion requests.
22 As mentioned above, CR0492 was developed in September 2001 to fully
23 mechanize that process within BellSouth's OSS.

24

1 During the implementation of a general software release in Fall, 2001,
2 programming for existing capabilities for conversion of business lines to UNE-
3 P/coin lines was inexplicably altered. Those conversion LSRs, that previously
4 had dropped from the system for handling in the LCSC, began to completely flow
5 through BellSouth's OSS, with the USOCs for UNE-P/coin class of service
6 (UEPRB, UEPKA, etc.) changing to that of a simple business line (UEPBL) and
7 dropping the payphone feature Flex ANI, which is excluded from use with a
8 business line class of service.

9

10 BellSouth was not aware of the problem until Mr. Reynolds brought it to our
11 attention on January 29, 2002. As mentioned above, in early 2001, BellSouth
12 developed a work-around for conversions that allowed CLECs to put a code
13 '1BF' in the Type of Service ("TOS") field on the LSR, with the belief that *all*
14 types of LSRs requesting UNE-P/coin service would be handled by the work-
15 around. Although the documentation in the BellSouth Business Rules for Local
16 Ordering ("BBR-LO") was changed to reflect that the work-around, in practice,
17 did not apply to all request types.

18

19 Q. WHAT HAS BEEN DONE ON BEHALF OF ERNEST COMMUNICATIONS
20 TO CORRECT THE PROBLEMS WITH THE REQUESTS THAT HAVE
21 BEEN SUBMITTED TO DATE?

22

23 A. Despite Mr. Reynolds' claims to the contrary, BellSouth's customer support
24 manager ("CSM"), over the course of several months, has reviewed spreadsheets
25 sent regularly by Mr. Reynolds, verified which lines had been provisioned

1 incorrectly, and worked closely with the LCSC to get those lines converted to the
2 proper UNE-P/coin class of service with the necessary Flex ANI feature. That
3 project is ongoing to ensure that all such lines are converted properly.

4
5 Q. CAN ERNEST COMMUNICATIONS EFFECTIVELY ISSUE REQUESTS
6 FOR NEW SERVICE PRIOR TO IMPLEMENTATION OF THE FTTF
7 CHANGE REQUEST?

8
9 A. Yes. As has been discussed with Mr. Reynolds, and as indicated by the
10 notification of change to the BBR-LO that all CLECs receive, the 'N' activity
11 type requests for UNE-P/coin service should be submitted manually. The LCSC
12 will process those requests in a correct and timely manner, allowing for
13 provisioning of the correct line class of service at initial turn-up, and correct
14 billing from the beginning.

15
16 Q. DOES THIS CONCLUDE YOUR TESTIMONY?

17
18 A. Yes.

AFFIDAVIT

STATE OF: Georgia
COUNTY OF: Fulton

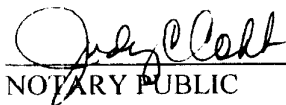
BEFORE ME, the undersigned authority, duly commissioned and qualified in and for the State and County aforesaid, personally came and appeared Ronald M. Pate –Director – Interconnection Operations, BellSouth Telecommunications Inc., who, being by me first duly sworn depose and said that:

He is appearing as a witness before the Tennessee Regulatory Authority in Docket No. 97-00309 on behalf of BellSouth Telecommunications, Inc., and if present before the Authority and duly sworn, his testimony would be set forth in the annexed testimony consisting of 46 pages and 8 exhibit(s).



Ronald M. Pate

Sworn to and subscribed
before me on July 22, 2002


NOTARY PUBLIC

Notary Public, Gwinnett County, Georgia
My Commission Expires June 27, 2005